

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon. Jose L. Linares
v.	:	Crim. No. 16-334 (JLL)
DAVID SAMSON	:	<u>STIPULATION AND CONSENT ORDER TO SEAL MATERIALS</u>

THIS MATTER having come before the Court on the application of Intervenor NJ Advance Media LLC's ("NJAM") Motion to Intervene for the purpose of obtaining access to certain sentencing materials submitted by the parties in this case; and the Court having considered the letter, dated March 1, 2017, submitted by Paul J. Fishman, United States Attorney for the District of New Jersey (by Vikas Khanna, Lee M. Cortes, Jr., and David W. Feder, Assistant U.S. Attorneys) seeking permission to make publicly available: (1) the Government's sentencing memorandum in its entirety which was submitted to the Court on February 21, 2017 and (2) a redacted version of the Government's reply memorandum and attached exhibits that redact certain sensitive medical information pertaining to Samson and a reference to his net worth taken from the Presentence Report which was submitted to the Court on March 2, 2017 (the "Reply Materials"), as well as the record before it; and the attorneys for Samson, NJAM, and the United States having reached an agreement, which is reflected in this Stipulation and Consent Order, to seal the unredacted version of the Government's Reply Materials and to make publically available the Government's February 21, 2017 sentencing memorandum and a redacted set of the Reply Materials that redacts certain sensitive information; the Court makes the following findings:

- (1) The Government's February 21, 2017 sentencing memorandum does not contain any confidential information requiring redaction and should be publicly filed;
- (2) The Reply Materials contain confidential medical and financial information pertaining to defendant David Samson;
- (3) A clearly defined and serious injury would result should the confidential medical and financial information in the Reply Materials not be sealed;
- (4) The least restrictive means for preventing serious injury is to seal the unredacted Reply Materials, while making publicly available a redacted version of the Reply Materials that omit only the confidential medical and financial information pertaining to Samson;
- (5) In light of defendant Samson's privacy interests, a less restrictive alternative to redacting the Government's Reply Materials as the Government has proposed is not available; and

THEREFORE, for good cause shown, based on the findings set out above, as well as the agreement among the parties, and in order to preserve the confidentiality of the materials referenced above;

IT IS, therefore, on this 2nd day of March, 2017,

ORDERED that the Government's February 21, 2017 sentencing memorandum and a redacted version of the Reply Materials shall be publicly filed with the Court; and it is further

ORDERED that the unreacted version of the Reply Materials shall be filed under seal. The Court shall further note on its file for this matter that the unredacted Reply Materials are "under seal," and therefore not part of the Court's public record of this matter; and it is further

ORDERED that the Clerk of the Court shall take such other steps as may be reasonably required to maintain the confidentiality of the records described above.

For the United States of America:

PAUL J. FISHMAN
UNITED STATES ATTORNEY

/s/Vikas Khanna

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David W. Feder
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For Defendant David Samson:

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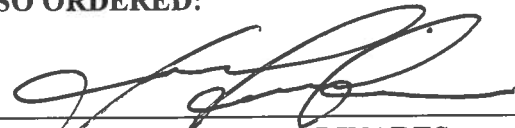
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SO ORDERED:



HONORABLE JOSE L. LINARES
UNITED STATES DISTRICT JUDGE